

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97 (c))					Docket No. <b>227/04279</b>
In Re Application of:: <b>Benny PESACH et al.</b>					
Application No.	Filing Date	Examiner	Customer No.	Art Unit	Confirmation No.
<b>10/519,024</b>	<b>November 30, 2005</b>	<b>WINAKUR, E.F.</b>	<b>44909</b>	<b>3768</b>	<b>3303</b>
Title:					
<b>METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY</b>					
Address to: <b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>					
<b>37 CFR 1.97(b)</b>					
1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.					
<b>37 CFR 1.97(c)</b>					
2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:					
<input type="checkbox"/> the statement specified in 37 CFR 1.97(e);					
OR					
<input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).					

P10A/REV05

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Title:					
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<b>Payment of Fee</b> (Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))					
<input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below. <ul style="list-style-type: none"> <li><input type="checkbox"/> Charge the amount of \$00.00</li> <li><input checked="" type="checkbox"/> Credit any overpayment.</li> <li><input checked="" type="checkbox"/> Charge any additional fee required.</li> </ul> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
<b>Certificate of Transmission by Facsimile*</b>			<b>Certificate of Mailing by First Class Mail</b>		
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. _____)			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		
_____ _____ Signature _____ <i>(Type or Printed Name of Person Signing Certificate)</i>			_____ _____ Signature of Person Mailing Correspondence _____ <i>(Type or Printed Name of Person Signing Certificate)</i>		
*This certificate may only be used if paying by deposit account.					
<u><i>Paul Fenster</i></u> Paul Fenster, Reg. No. 33,877			<b>Date: November 12, 2006</b>		
William H. Dippert, Esq. Wolf, Block, Schorr & Solis-Cohen LLP 250 Park Avenue New York, New York 10177 Tel: (212) 986 1116					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Benny PESACH et al.

Serial No : 10/519,024

Group Art Unit: 3768

Filed : November 30, 2005

Examiner: WINAKUR, E.F.

For : METHOD AND APPARATUS FOR DETERMINING TISSUE VIABILITY

**FIRST SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application, U.S. Application No. 10/519,024, is a U.S. national stage of PCT Application No. PCT/IL2003/000533. Applicants hereby submit a First Supplementary Information Disclosure Statement citing additional art.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06 and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Since item 2 is in a foreign language, enclosed is an English translation of JP Publication No. 09-145683. The translation was downloaded from the Japanese Patent Office site.

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

Applicants wish to point out that the references cited herein were cited by the examiner in an Office Action dated September 20, 2006 issued for Japanese Patent Application No.2002-520694.

In accordance with MPEP §609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached PTO-1449 form(s) or equivalents thereof) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Benny PESACH et al.

Paul Fenster

Paul FENSTER  
Registration No. 33,877

November 12, 2006

William H. Dippert, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
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New York, NY 10177

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		ATTY DOCKET NO. <b>227/04279</b>	SERIAL NO. <b>10/519,024</b>
		APPLICANT(S) <b>Benny PESACH et al.</b>	
		FILING <b>November 30, 2005</b>	GROUP <b>3768</b>

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

**U.S. PATENT APPLICATION PUBLICATIONS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
1.	WO 98/38904	11 Sep '98	PCT				
2.	JP 09-145683	06 Jun '97	JAPAN			✓	

**OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)**


EXAMINER /Ahmed Elhassan/

DATE CONSIDERED 03/11/2009

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-A820

(also form PTO-1449)

Patent and Trademark Office\*U.S. DEPARTMENT OF COMMERCE

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